



Guide

Applying for help with Court of Protection fees

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Who can get help with Court of Protection fees?

You may not have to pay a Court of Protection fee, or you may get some money off if you:

- only have a small amount of savings and investments
- and receive certain benefits
- or are on a low income

Help with fees is sometimes known as 'fee remission'.

In the Court of Protection, and depending on the type of case being brought, we can assess eligibility for getting help with a fee on the financial circumstances of the person making the application on behalf of the vulnerable person, or on the vulnerable person's financial circumstance.

If you are represented by a solicitor under a certificate for legal representation, you will not be eligible for a help with your fees. The solicitor is responsible for paying the court fee, which the solicitor can later recover from the Legal Aid Agency.

About the person the application relates to (question 1)

The Court of Protection needs these details to identify the person the application relates to, as well as the case.

Your personal details (question 2)

If the case relates to health and personal welfare we will assess your eligibility for getting help with fees on your (the applicant's) financial circumstance. However, if the application relates to property and affairs eligibility is based on the financial circumstances of the vulnerable person.

You can usually find your National Insurance number on letters from the jobcentre, your payslip, or P60. If you can't find it, see: gov.uk/lost-national-insurance-number.

What does the application relate to (question 3)

You need to tell us whether your Court of Protection case is to do with health and personal welfare, or to the property and affairs of a vulnerable person.

If the case concerns property and affairs the information provided in questions 6 to 11 should be based on the circumstances of the person the application relates to.

You should not tick both boxes as your application will be returned.

Case number (question 4)

The Court of Protection creates a reference number for every case.

If you have already made an application then you'll find the reference number on letters from the Court of Protection.

If you don't have a reference number (this might be because the case hasn't started yet) leave this question blank.

If the fee has already been paid (question 5)

You can apply to get some, or all of the fee back **within three months of the final order being issued** by the Court of Protection if you think the fee payer would have been entitled to a reduced fee at the time the fee was paid.

If you're applying for a refund, answer questions 6 to 11 with information about financial circumstances at the time the paid the fee. You should also include 'proof of payment' of the fee with your application, eg a receipt or bank statement. If you paid your fee more than three months ago you should provide evidence of your benefit status (e.g. letter from the job centre) and your income at the time the fee was paid (see page 10 for the documents you need to provide).

Savings and investments (questions 6 and 7)

Depending on the type of case, start by adding up your savings and investments or those of the person the application relates to.

If the case relates to health and personal welfare and you have a partner, remember to include their savings too. If the case relates to property and affairs do not include the income of the fee payer's partner (if they have one).

(See information about 'Your status' on page 5 if you're not sure whether to include a partner's savings).



What to include in savings and investments:

- money in ISAs and any other savings account
- joint savings accounts that are shared with a partner
- fixed rate or investment bonds
- any lump sum (eg a redundancy payout)
- stocks and shares
- trust funds (or any other kind of fund)

- second homes
- any money or property outside the UK

In property and affairs cases, if the person the application relates to has restricted access to savings you should also subtract any debt held.



Don't include the following in your savings total:

- wages or benefits
- personal pensions
- capital value of self-employed businesses
- student loans
- unfair dismissal awards
- money from the criminal injury compensation scheme
- medical negligence or personal injury awards
- any compensation under a statutory scheme in respect of Mesothelioma

If you (in health and personal welfare cases) or the person the application is about (in property and affairs cases) **have less than £3,000 in savings**, you'll be able to get help with your fee, as long as you receive certain benefits (see below) and are on a low income

If you/they **hold more than £3,000 in savings** it is unlikely that we'll be able to help with the fee.

If you (in health and personal welfare cases) or the person the application is about (in property and affairs cases) are **aged 61 or over and hold £16,000 or less** in savings, you may be able to get help with the fee. If you/they hold more than this amount it is unlikely we'll be able to help with the fee.

Benefits (question 8)

We can help with a Court of Protection fee if you (in health and personal welfare cases) or the person the application is about (in property and affairs cases) only have a small amount of savings (see page 6) and are receiving one of these benefits:

- Income-based Jobseeker's Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)
- Income Support
- Universal Credit (and you're earning less than £6,000 a year)
- Pension Credit - Guarantee Credit

We'll contact the Department for Work and Pensions to confirm you or the person the application is about are (or were) getting one of these benefits. We may also contact you if we need to see additional evidence.

If benefits have only recently started being received (for example, in the last few days), our staff may not be able to confirm eligibility with the Department for Work and Pensions. In this case you should provide a letter from the job centre.

Status (question 9)

If the case relates to health and personal welfare and you have a partner their financial situation will be taken into consideration and you must give details of their savings and income. However, if the person the application relates to is also your partner then you should not include their savings and income.

If the case relates to property and affairs do not include the income of the fee payer's partner (if they have one).



Choose 'married or living with someone and sharing an income' if:

- married
- civil partners
- living together as if married or in a civil partnership
- living at the same address with a joint income



Choose 'Single' if relying on own income

Financially dependent children (question 10)

You need to give details of any children that are supported financially.

This includes children who are:

- aged under 16 and living at home
- aged between 16 to 19, living at home, and in full-time education (not including studying for a degree or other higher education qualification). See: gov.uk/child-tax-credit-when-child-reaches-16
- a child who doesn't live at home, but have regular maintenance paid for them

Total monthly income (question 11)

Write down how much money is received every month before any tax or National Insurance payments have been taken off.

What to include as income:

- wages
- some benefits (see the list on pages 7 – 8 for benefits you shouldn't include)
- pensions (state, work or private without guarantee credit)
- rent from anyone living at home and other properties that owned
- payments from relatives
- maintenance payments, eg from an ex-spouse
- income from selling goods publicly or privately, including over the internet

Where to find information about your income

Wages	<p>Monthly total (before tax and national insurance payments) should be on payslips.</p> <p>If paid weekly multiply the weekly pay by 52, then divide it by 12. This will give you a monthly total.</p> <p>If self-employed and earning a different amount each month, divide the gross yearly income from the last financial year by 12. Use this figure as the monthly total.</p>
Child Benefit, Working Tax Credit and Child Tax Credit	<p>You can usually find the monthly amount on the last page of letters from HM Revenue and Customs (HMRC) confirming receipt of Benefit, Working Tax Credit or Child Tax Credit.</p>
Contribution based Jobseeker's Allowance (JSA), Contribution-based Employment and Support Allowance (ESA), and Universal Credit	<p>You can usually find the monthly amount on the letter from the Department for Work and Pensions (DWP) confirming receipt of the benefit. Only include Universal Credit as income if earning more than £6,000 a year.</p>
Pensions	<p>The monthly pension amount should be on pension statements.</p>
Prisoner Income and Expenditure Statement	<p>You can find the monthly income amount on a Prisoner Income and Expenditure Statement if you're a prisoner.</p>

Include your partner's income

If the case relates to health and personal welfare and you have a partner, remember to include any money they receive too. See information about 'Your status' on page 5 if you're not sure whether to include your partner's income.

Other monthly income

If money is received from somewhere else (that's not one of the benefits listed above or in question 8), you can enter it in the last row of the table about income, where it says 'Other monthly income'.

For people who live outside the UK

Convert the monthly income total into pounds sterling (GBP) using the current exchange rate. Our staff will allow for small changes in the exchange rate from when you complete the application to the date it is assessed.



Don't include these benefits as income:

- Armed Forces Independence Payment (AFIP)
- Attendance Allowance
- Back to Work Bonus
- Bereavement Allowance
- Budgeting Advances paid under Universal Credit
- Budgeting Loan
- Carer's Allowance
- Carer Element of Universal Credit
- Childcare Element of Working Tax Credit
- Childcare Element of Universal Credit
- Cold Weather Payment
- Constant Attendance Allowance
- Direct payments made under Community Care, Services for Carer and Children's Services
- Disability Living Allowance (DLA)
- Disabled and Severely Disabled elements of Child Tax Credit
- Disabled and Severely Disabled Child elements of Working Tax Credit
- Disabled and Severely Disabled Child elements of Universal Credit

- Exceptionally Severe Disablement Allowance
- Financial support under an agreement for the foster care of a child
- Funeral Payment
- Housing Benefit
- Housing Credit Element of Pension Credit
- Housing Element of Universal Credit
- Industrial Injuries Disablement Benefit
- Independent Living Fund payments
- Limited Capability for Work Element of Universal Credit
- Personal Independence Payment (PIP)
- Any pension paid under the Naval, Military and Air forces etc (Disablement and Death) service Pension Order 2006
- Severe Disablement Allowance
- Short Term Benefit Advances (STBAs)
- Universal Credit Advances
- Widowed Parent's Allowance

How income affects whether you can get help with fees

We can provide help with fees if, depending on the type of case, you or the person the application relates only have a small amount of savings (see pages 3 – 4) and receive a monthly income less than the amount in table 1.

Table 1	Single	Part of a couple
Maximum income	£1,085 plus £245 for each child	£1,245 plus £245 for each child
For example:		
1 child	£1,330	£1,490
2 children	£1,575	£1,735

If the monthly income total is:

- **less than the amount in table 1** (and you also have less than the amount of savings on page 5), then the fee won't have to be paid.
- **more than the amount in table 1**, the fee will need to be paid in full

Paying part of the fee

Follow these steps to work out how much money you could get off your fee.

1. Start with the monthly income total and subtract the relevant amount in table 1.
2. Round the figure down to the nearest £10. For example, £428 becomes £420.
3. Divide this amount by 2 to get the amount that has to be paid.

You can use the fee remission calculator EX160C available on www.justice.gov.uk to work out how much money you could get off your fee. You will need to provide a cheque for the amount you've calculated and submit it along with your application for help with fees. Cheques should be made payable to HM Courts & Tribunals Service.

Providing evidence of income

If you apply for help with your fee because low income is being received by you or the person the application relates to, you will need to provide evidence to the Court of Protection of gross monthly income from any and all sources for the month preceding the Help with Fees application.

The following information explains what type of evidence the court or tribunal needs:

Bank statements: You will need to provide the Court of Protection with the last three months bank statements. You can provide copies of online bank statements, but these must have the name of the account holder on them.

Paid employment: If you or the person the application relates to is in paid employment, you will need to provide copies of wage slips and information about cash-in-hand work. These should be the most recent wages slips, but not more than six weeks old.

Self-employed: If you or the person the application relates to is self-employed, you will need to provide the most recent tax return (Self-Assessment) and the HMRC Self-Assessment Tax Calculation.

Pension: If you or the person the application relates to is claiming a state, private or occupational pension, you will need to provide a notification, letter or statement confirming the pension payments.

Other Benefits and Credits: If you or the person the application relates to is in receipt of the benefits or credits listed in question 11, you will need to provide benefit or credit entitlement letter confirming how much is being received. The type of benefits and credits that should not be included as income as listed on pages 7 – 8.

Rental Income: If you or the person the application relates to receives rent from other properties or from anyone living with you/them, you will need to provide evidence of the rent being received such as a tenancy agreement.

Other income: If you or the person the application relates to receives any other income, such as stocks, shares or income from any sales on the internet you will need to provide evidence that shows the amount of income received, how it is received and how often.

Signing the form (question 13)

You must sign and date the declaration and statement of truth to confirm all the information you have given is true. If you are found to have been deliberately untruthful or dishonest, criminal proceedings for fraud can be brought against you.

Only the applicant can sign and date the declaration and statement of truth.

Where to send your application

Send your completed form to:

Court of Protection

PO Box 70185

First Avenue House

42-49 High Holborn

London

WC1A 9JA

DX: 160013 Kingsway 7

What happens next

Our staff will aim to process your application in 5 working days. You'll receive a letter if your application is unsuccessful, or if you need to provide more information. For example, you may be asked to send evidence of your income.

How to appeal

You can appeal if your application for help with a Court of Protection fee is unsuccessful and you don't agree with the decision.

You need to write to the Court of Protection 'delivery manager' by the date stated in your refusal letter (this will usually be about 14 days from when you receive the letter). Say why you are not happy with the decision and include any evidence that will support your appeal.

You will hear from the delivery manager within 10 working days.

If the delivery manager refuses your appeal, you have the right to contact the Court of Protection's 'operations manager' within 14 days from the date your appeal was refused. They will look at your application for an appeal and make a final decision.

If you are likely to experience exceptional hardship

You can ask the Court of Protection's delivery manager to reconsider your application if not getting help with your fee will cause you exceptional hardship. Hardship is understood as having a significant impact on your day-to-day life, eg you won't be able to pay your rent.

The delivery manager will ask you about your income, savings and expenses. They'll also want to know about why you'll suffer exceptional hardship if you have to pay your fee.

You won't be considered at risk of exceptional hardship simply because of your status, for example if you're unemployed, a seasonal or part-time worker, student or prisoner.

What to do in an emergency

If you need a decision more quickly than 5 working days, the delivery manager can make a decision about whether you can get help with your fee.

Emergencies include cases involving:

- domestic violence
- injunctions
- serious medical treatment
- where there is a likelihood that the person may be removed from the jurisdiction
- forced marriage
- where there are safeguarding concerns

Useful contacts

Court of Protection

www.gov.uk/apply-to-the-court-of-protection

Citizens Advice

www.citizensadvice.org.uk

www.adviceguide.org.uk

or check the Yellow Pages for your local office

Department for Work and Pensions

www.gov.uk/dwp

HM Courts & Tribunals Service

www.gov.uk/government/organisations/hm-courts-and-tribunals-service

HM Revenue and Customs

www.hmrc.gov.uk

Tax Credit Helpline

0345 300 3900

Jobcentre Plus

www.gov.uk/contact-jobcentre-plus

0345 604 3719